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EXAMINER

LEE, CHRISTOPHER E

ART UNIT PAPER NUMBER

2189

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,105

Applicant(s)

SARFATI, JEAN-CLAUDE

Examiner

Christopher E. Lee

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed on 21st of November, 2002. Claims 1-4, 6, 9, 13, 19-23, 25-29, 31, 34-36, 39 and 43-53 have been amended; claims 5, 17, 19, 24, 30 and 37 have been canceled; and no claims has been newly added. Currently, claims 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-53 are pending in this application.

2. It is noted that one of the Applicant's amendments to the claims has not been entered, which is the claim 19. The claim 19 has been cancelled, then the claim 19 has been amended in succession (See Amendment, page 9, I. Disposition of Claims). This amendment of the claim 19 is not acceptable, and could not be entered. Correction is required.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

In regarding to claim 44 and its dependent claims 9, 45, 46 and 49, the limitations in the claims, which are related to the receiver/decoder, are not shown in the disclosure. The disclosure states those limitations are related only to the transmission system.

In regarding to claim 45 and its dependent claims 46 and 49, the limitation "respective different TID-extensions" in the claims, which is related to the receiver/decoder, is not shown in the disclosure. The disclosure states the limitation is related only to the transmission system.

Claim Rejections - 35 USC § 112

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 51 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation “transmitting a second data loader included in said bitstream at the receiver/decoder” should be changed to --transmitting a second data loader included in said bitstream **at a transmitting system**-- in light of the application disclosure.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 2, 9, 20, 21, 26, 27, 31, 39, 43, 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menand et al. [EP 0 680 213 A2; cited by the Applicant; hereinafter Menand’213] in view of Mulchandani et al. [US 6,112,025 A; hereinafter Mulchandani].

Referring to claim 20, Menand’213 discloses a receiver/decoder (AVI receiver/signal decoder; See Fig. 1 and abstract) comprising: a receiver (AVI receiver; See col. 2, line 36) for receiving a bitstream (i.e., packet data stream; See col. 1, line 26-28) including an application in interpretative code (See col. 6, lines 16-18 and 23-41); storage means (RAM read/write memory 412 of Fig. 1); and downloading means (i.e., system loader; See col. 2, line 37) for downloading from said bitstream into said storage means a loader (i.e., autostart module; See col. 2, lines 40-43 and col. 7, lines 42-50) for loading said application in interpretative code from said bitstream into said receiver/decoder (See col. 2, line 36 through col. 3, line 2 and col. 7, lines 28-53).

Menand’213 does not expressly teach said loader is in native code.

Mulchandani discloses a system and method for dynamic program linking, wherein a native code loader loads an application (i.e., compiled procedure) into a user’s address space (See col. 2, lines 59-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said loader in native code, as disclosed by Mulchandani, in said receiver/decoder, as disclosed by Menand’213, for the advantage of execution speed over interpretative code, which is well known to one of ordinary skill in the art of programming and compiling.

Referring to claim 21, Menand'213 discloses means for deleting (i.e., freeing; See col. 2, line 56) said downloaded data loader (i.e., autostart module) from said storage means after said application (i.e., application in interpretative code; See col. 6, lines 16-18 and 23-41) has been downloaded from said bitstream (See col. 2, lines 57-58 and col. 7, lines 51-53).

Referring to claim 26, Menand'213 discloses said receiver/decoder is arranged to download tables (i.e., directory modules; See col. 2, lines 14-17 and lines 36-40).

Referring to claim 27, Menand'213 discloses said downloading means (i.e., system loader) is arranged to download a table (i.e., a directory module; See col.2, lines 36-40) having a table identification ("TID"; i.e., module identification for directory module) and a predetermined table identification extension ("TID-extension"; i.e., module identification for code/data module; See directory module 326 and module 328 in Fig. 4) so as to download a directory table (i.e., directory module; See col. 2, lines 14-17 and lines 36-38 and col. 7, lines 28-38), to determine from the content of said directory table said TID-extensions of module tables (See col. 14, lines 4-10), and to download said module tables (See col. 14, lines 20-23) having the same TID (i.e., the same directory module identification; See col. 14, lines 41-44) as that of said downloaded directory table (i.e., directory module) and TID-extensions (e.g., code module identifier) determined from said downloaded directory table (See directory module 326 and module 328 in Fig. 4) so as to download said loader (e.g., code module). Refer to col. 13, line 9 through col. 15. line 1.

Referring to claim 31, Menand'213 discloses said downloading means (i.e., system loader) is arranged to download a second loader (i.e., new code module; See col. 7, lines 49-51) included in said application (i.e., application in interpretative code; See col. 6, lines 16-18 and 23-41) included in said bitstream (i.e., packet data stream) for downloading one of said first-mentioned loader (i.e., autostart module) and said application.

Referring to claim 39, Menand'213 discloses a signal (AVI signal; See col. 1, lines 26-28) including at least one loader (i.e., autostart module) for loading said application (i.e., application in interpretative code; See col. 6, lines 16-18 and 23-41) into a receiver/decoder (AVI receiver/signal decoder; See Fig. 1 and abstract), and said application associated with said at least one loader (See col. 2, lines 43-49), said at least one loader being divided into a plurality of modules (i.e., a plurality of code modules) and said application associated with said at least one loader being divided into a respective plurality of modules (i.e., a plurality of associated data modules to said code modules). Refer to col. 1, line 53 through col. 2, line 24.

Referring to claim 1, the method steps of claim 1 are inherently performed by the apparatus of claim 20, and therefore the rejection of claim 20 applies to claim 1.

Referring to claim 2, the method steps of claim 2 are inherently performed by the apparatus of claim 21, and therefore the rejection of claim 21 applies to claim 2.

Referring to claims 9 and 46, the method steps of claims 9 and 46 are inherently performed by the apparatus of claim 27, and therefore the rejection of claim 27 applies to claims 9 and 46.

Referring to claim 43, the method steps of claim 43 are inherently performed by the apparatus of claim 39, and therefore the rejection of claim 39 applies to claim 43.

Referring to claim 51, the method steps of claim 51 are inherently performed by the apparatus of claim 31, and therefore the rejection of claim 31 applies to claim 51.

8. Claims 3, 4, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'213 [EP 0 680 213 A2] in view of Mulchandani [US 6,112,025 A] as applied to claims 1, 2, 9, 20, 21, 26, 27, 31, 39, 43, 46 and 51 above, and further in view of Bowen et al. [US 5,367,571 A; hereinafter Bowen].

Referring to claims 22 and 23, Menand'213 discloses all the limitations of claims 22 and 23 respectively except that does not teach said receiver/decoder further comprising a non-volatile memory, which is a Flash memory volume.

Bowen discloses a subscriber terminal, wherein a non-volatile memory (FLASH EPROM 134 of Fig. 7), which is a Flash memory volume (See col. 7, lines 54-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted said non-volatile Flash memory volume, as disclosed by Bowen, for said storage means (i.e., RAM read/write memory), as disclosed by Menand'213, for the advantage of saving a lot of time being spent re-downloading data since it is not necessary for said receiver/decoder to download again said data after said receiver/decoder is off and on thanks to said non-volatile Flash volume, which keeps said data under said non-volatile condition.

Menand'213, as modified by Bowen, discloses said non-volatile Flash memory volume (FLASH EPROM 134 of Fig. 7; Bowen) stores said downloaded data loader after said application (i.e., application in interpretative code; See col. 6, lines 16-18 and 23-41) has been downloaded from said bitstream.

Referring to claim 3, the method steps of claim 3 are inherently performed by the apparatus of claim 22, and therefore the rejection of claim 22 applies to claim 3.

Referring to claim 4, the method steps of claim 4 are inherently performed by the apparatus of claim 23, and therefore the rejection of claim 23 applies to claim 4.

9. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'213 [EP 0 680 213 A2] in view of Mulchandani [US 6,112,025 A] as applied to claims 1, 2, 9, 20, 21, 26, 27, 31, 39, 43, 46 and 51 above, and further in view of Bestler et al. [US 5,608,732 A; hereinafter Bestler].

Referring to claim 25, Menand'213 discloses all the limitations of claim 25 except that does not teach said downloaded data loader is adapted to replace a portion only of said application stored in said receiver/decoder by a corresponding portion of said application downloaded thereby.

Bestler discloses an television distribution system, wherein a data loader (download executive 23 of Fig. 1) is adapted to replace (i.e., update) a portion only of an application (i.e., data) stored (See col. 13, lines 14-16; wherein in fact that a series of packets which are to be processed to download a particular record set implies said downloaded data loader (i.e., download executive) replaces (i.e., download for updating) a portion only (i.e., particular record set) of an application (i.e., data) stored (i.e., record set)) in a receiver/decoder (Cable system 10 comprising headend 11 and decoder 12 in Fig. 1) by a corresponding portion of an application (i.e., data) downloaded (See col. 13, lines 32-35) thereby (See col. 13, lines 14-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said data updating feature, as disclosed by Bestler, in said downloaded data loader, as disclosed by Menand'213, for the advantage of saving a lot of time being spent downloading data since said data updating feature supports downloading a necessary portion of data instead of a full set of data.

Referring to claim 6, the method steps of claim 6 are inherently performed by the apparatus of claim 25, and therefore the rejection of claim 25 applies to claim 6.

10. Claims 29 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'213 [EP 0 680 213 A2] in view of Mulchandani [US 6,112,025 A] as applied to claims 1, 2, 9, 20, 21, 26, 27, 31, 39, 43, 46 and 51 above, and further in view of Metz et al. [US 5,666,293; cited by the Applicant; hereinafter Metz].

Referring to claim 29, Menand'213 discloses all the limitations of claim 29 except that does not teach a directory version identification.

Metz discloses a downloading means (i.e., means for downloading operating system software; See abstract) is arranged to determine whether a directory version identification (i.e., operating system version number) of a currently transmitted directory table (i.e., operating system broadcast on the network; See col. 9, line 61) is more recent than (i.e., differs from; See col. 9, line 66) said directory version

identification of a previously downloaded directory table (i.e., currently running operating system; See col. 9, lines 62-63) having the same TID (i.e., the particular type set-top terminal; See col. 9, lines 56-58) as said currently transmitted directory table (See col. 9, line 65 through col. 10, line 1), and if not (i.e., the same as; See col. 9, lines 61-62), to abort said downloading of said loader (i.e., operating system; See col. 9, lines 60-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said version control, as disclosed by Metz, in said directory/code module upgrading, as disclosed by Menand'213, for the advantage of obviating an unnecessary upgrading said modules so as to use said receiver/decoder downloading bandwidth effectively.

Referring to claim 49, the method steps of claim 49 are inherently performed by the apparatus of claim 29, and therefore the rejection of claim 29 applies to claim 49.

11. Claims 28, 47, 48 and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'213 [EP 0 680 213 A2] in view of Mulchandani [US 6,112,025 A] as applied to claims 1, 2, 9, 20, 21, 26, 27, 31, 39, 43, 46 and 51 above, and further in view of Menand et al. [EP 0 680 216 A2; cited by the Applicant; hereinafter Menand'216].

Referring to claim 28, Menand'213 discloses all the limitations of claim 28 including said downloading means (i.e., system loader) is arranged to download a directory table (i.e., a directory module; See col.2, lines 36-40) except that does not teach said downloaded directory table having a predetermined TID and containing, for each of a plurality of version identifications of a receiver/decoder, a respective TID associated with that version identification.

Menand'216 discloses a method for formulating an interactive TV signal, wherein a directory table (i.e., directory module; See TABLE II in Fig. 6) having a predetermined TID (i.e., application identifier; AID in Fig. 6) and containing, for each of a plurality of version identifications (i.e., module version numbers in Fig. 6) of a receiver/decoder (i.e., interactive TV system in Fig. 1), a respective TID (i.e., application

identifier) associated with that version identification (See Fig. 6 and page 5, lines 53-58), to determine said version identification of said receiver/decoder (See page 5, lines 39-40), and to download a directory table (i.e., directory module) having a TID associated with a version number of said receiver/decoder (See page 5, lines 40-41) and a predetermined TID-extension (i.e., module identifier; See TABLE II in Fig. 6 and page 5, lines 41-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said predetermined TID and said version identifications in said directory table, as disclosed by Menand'216, in said directory table, as disclosed by Menand'213, so as to update said downloaded modules responsive to detecting a change in said data version identification (i.e., module version number; See page 5, lines 39-41 in Menand'216).

Referring to claims 47 and 48, the method steps of claims 47 and 48 are inherently performed by the apparatus of claim 28, and therefore the rejection of claim 28 applies to claims 47 and 48.

Referring to claim 50, Menand'213 discloses all the limitations of claim 50 except that does not teach a data version identification of said data in said bitstream.

Menand'216 discloses a method for formulating an interactive TV signal, wherein a formulated bitstream (i.e., packet stream) includes a data version identification (i.e., module version number; See Fig. 5 and 6) of a data (i.e., module).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said data version identification, as disclosed by Menand'216, in said bitstream of said data, as disclosed by Menand'213, so as to update a downloaded executing application responsive to detecting a change in said data version identification (i.e., module version number; See page 5, lines 39-41 in Menand'216).

Menand'213, as modified by Menand'216, discloses determining, at said receiver/decoder, whether said data version identification of received data is more recent than said data version identification of currently

stored data (See page 5, lines 39-40; Menand'216); and downloading said received data from said bitstream data if said received data is more recent (See page 5, lines 40-41; Menand'216).

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'213 [EP 0 680 213 A2] in view of Mulchandani [US 6,112,025 A] and Menand'216 [EP 0 680 216 A2] as applied to claims 28, 47, 48 and 50 above, further in view of Hearing [US 5,787,017 a].

Referring to claim 13, Menand'213, as modified by Mulchandani and Menand'216, discloses all the limitations of claim 13 except that do not teach said version identification comprises a code for the version of said receiver/decoder and a code for the manufacturer of said receiver/decoder.

Hearing discloses a data acquisition apparatus, wherein it displays an version identification (i.e., identification message) comprises a code for the version of said receiver/decoder (i.e., version number of said apparatus) and a code for the manufacturer of said receiver/decoder (i.e., name of manufacturer).

Refer to col. 4, lines 60-63.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said identification message, as disclosed by Hearing, in said version identification, as disclosed by Menand'213, as modified by Mulchandani and Menand'216, so as to provide an abundant information on said version identification for a better version control, which is a well-known in the art of production version control.

13. Claims 34, 35 36, 44, 45, 52 and 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Menand'216 [EP 0 680 216 A2] in view of Menand'213 [EP 0 680 213 A2] and Mulchandani [US 6,112,025 A].

Referring to claim 52, Menand'216 discloses a transmission system (i.e., interactive TV system in Fig. 1) comprising: means for transmitting (See page 4, lines 16-17) a bit stream (i.e., signal stream; See Fig. 8,9 and page 4, line 24) including at least one loader (i.e., interactive application; See page 3, lines 18-19); and means for dividing (See page 3, lines 19-22) said at least one loader (i.e., interactive

application) into a plurality of modules (i.e., modules; See page 3, lines 33-34), and dividing said data (i.e., interactive component data; See page 3, line 35) associated with said at least one loader into a respective plurality of modules (i.e., application data module; See page 3, line 33) for transmittal by said transmitting means (e.g., satellite transponder; See page 4, lines 16-17).

Menand'216 does not disclose said at least one loader for loading an application in interpretative code into a receiver/decoder.

Menand'213 discloses a loader (i.e., autostart module; See col. 2, lines 40-43 and col. 7, lines 42-50) for loading an application in interpretative code (See col. 6, lines 16-18 and 23-41) into a receiver/decoder (See col. 2, line 36 through col. 3, line 2 and col. 7, lines 28-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said loader, as disclosed by Menand'213, in said interactive application, as disclosed by Menand'216, so as to load an associated application from said bitstream into said receiver/decoder (See col. 7, lines 46-51; Menand'213).

Menand'216, as modified by Menand'213, does not expressly teach an application in native code is associated with said at least one loader

Mulchandani discloses a system and method for dynamic program linking, wherein a native code loader loads an application (i.e., compiled procedure) into a user's address space (See col. 2, lines 59-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said loader in native code, as disclosed by Mulchandani, in said receiver/decoder, as disclosed by Menand'216, as modified by Menand'213, for the advantage of execution speed over interpretative code, which is well known to one of ordinary skill in the art of programming and compiling.

Referring to claim 35, Menand'216 discloses means for generating a directory table (i.e., directory module; See page 5, lines 51-58) having a predetermined table identification ("TID"; Application Identifier AID; See Fig. 6 and page 5, lines 54-55) and containing, for each of a plurality of

version identifications (i.e., module version numbers in Fig. 6) of a receiver/decoder (i.e., interactive TV system in Fig. 1), a respective TID (i.e., application identifier) associated with that version identification (See Fig. 6 and page 5, lines 53-58).

Referring to claim 36, Menand'216 discloses means for including in each transmitted table (i.e., module) a version identification (i.e., module version number; See Fig. 5,6; therefore (See page 5, lines 39-40).

Referring to claim 53, Menand'216 discloses means for formatting each of said modules of said at least one loader as a respective table (i.e., directory module; See TABLE II in Fig. 6 and page 5, lines 51-54), said table of said at least one loader having the same respective table identification ("TID"; Application Identifier AID; See Fig. 6 and page 5, lines 54-55) and respective different table identification extension ("TID-extension"; i.e., module identification for code/data module; See Module Identifier in Fig. 5,6);and means for formatting each of said modules of said data associated with said at least one loader (See page 3, lines 32-35) as a respective table (See TABLE II "respective table for each module" in Fig. 6), said tables of said loader modules associated therewith (See page 5, lines 56-57) and respective different TID-extensions (i.e., module identification for code/data module).

Referring to claim 34, Menand'216, as modified by Menand'213, discloses said tables have respective different TID-extensions (i.e., service component identifications for respective transport packets in the transmission unit header; See page 3, lines 19-35 and page 7, lines 1-4; Menand'216) other than a predetermined TID-extension (i.e., module identification for code/data module; See Module Identifier in Fig. 5,6; Menand'216); said system further comprising a respective directory tables (i.e., directory module) for said plurality of modules having the same TID (i.e., the same directory module identification; See col. 14, lines 41-44; Menand'213), each directory table having that TID (i.e., AID; See Fig. 6 ; Menand'216) and said predetermined TID-extension (i.e., module identification for code/data module), said directory table (i.e., directory module) containing for each of said modules a name of that

module (i.e., string table for module names) and the respective TID-extension (i.e., module identifier).

Refer to Fig. 6 and page 5, lines 53-58.

Referring to claim 44, the method steps of claim 44 are inherently performed by the apparatus of claim 53, and therefore the rejection of claim 53 applies to claim 44.

Referring to claim 45, the method steps of claim 45 are inherently performed by the apparatus of claim 34, and therefore the rejection of claim 34 applies to claim 45.

Response to Arguments

14. Applicant's arguments filed 21st of November, 2002 have been fully considered but they are not persuasive.

In response to the Applicant's argument with respect to "Per claims 44 and 45, and claims depending therefrom,... Therefore, the specification, at least at referenced portions, provides proper antecedent basis for claims 44 and 45" in lines 9+ on page 10 of the Amendments, the Examiner respectfully disagrees.

The Applicant recites the limitations "formatting the plurality of data loader modules as respective tables,..." and "formatting the plurality of the application modules as a respective table,..." in the claim 44, which is a dependent claim of claims 1 and 43, having a preamble "a method of downloading data to a receiver/decoder, comprising". However, the Applicant only discloses said limitations are comprised in the transmitting system (See Application, page 5, lines 20-26, and page 11, lines 8-18).

In addition, the Applicant's interpretation (See Amendment page 10, lines 12-14) of the claim 44 is wrong because the Applicant does not consider the full limitation elements for a correct interpretation in light of the specification, i.e., "**formatting** the table, table identification, and table identification-extension were considered **only to related to a transmission system**" is a correct interpretation in light of the specification and is supported by the disclosure. Furthermore, "**formatting** the table, table identification,

and table identification-extension were **related to a receiver/decoder**" is not shown and provided as a proper antecedent basis for the claim 44 in the specification.

The Applicant recites the limitations "respective different TID-extensions other than a predetermined TID-extension,...generating a respective directory table..." in the claim 45, which is a dependent claim of claims 1, 43, 44 and 9, having a preamble "a method of downloading data to a receiver/decoder, comprising". However, the Applicant only discloses said limitations are comprised in the transmitting system (See Application, page 5, line 31 through page 6, line 4, and page 11, lines 20-25).

In addition, the Applicant's interpretation (See Amendment page 10, lines 12-14) of the claim 45 is wrong because the Applicant does not consider the full limitation elements for a correct interpretation in light of the specification, i.e., "**generating** the table, table identification, and table identification-extension were considered **only to related to a transmission system**" is a correct interpretation in light of the specification and is supported by the disclosure. Furthermore, "**generating** the table, table identification, and table identification-extension were **related to a receiver/decoder**" is not shown and provided as a proper antecedent basis for the claim 45 in the specification.

*In response to the Applicant's argument with respect to "Claim 51 was rejected under 35 U.S.C. § 112, first paragraph..." in lines 10+ on page 11 of the Amendments, the Examiner respectfully disagrees. Contrary to the Applicant's statement, the limitations in the claim 51 are not describe in the specification in such a way as to enable one skilled in the art. Instead, the Applicant discloses "the method comprises the steps, **at a transmitting system**, of: transmitting a second data loader included in said bit stream" (See Application, page 9, lines 1-7). Accordingly, the claim 51 is rejected under 35 U.S.C. § 112, first paragraph, Enablement problem because the receiver/decoder could not transmit said second data loader in said bit stream in light of the disclosure of the specification.*

15. Applicant's arguments with respect to claims 1-4, 6, 9, 13, 20-23, 25-29, 31, 34-36, 39 and 43-53 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant argument with respect to "The references Menand'213, Menand'216, Bowen, Bestler, Lett, Metz and Hearing, which were used as a prior art, do not teach the subject matter a loader in a native code in the amended claims 1, 20, 39 and 52. Therefore, all the pending claims including the dependent claims are in condition of allowance". The Examiner brought Mulchandani reference in the rejection for the limitations which are not provided by Menand'213, Menand'216, Bowen, Bestler, Lett, Metz, Hearing, and all of the other art cited (See *Claim Rejections - 35 USC § 103*).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 703-305-5950. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher E. Lee
Examiner
Art Unit 2189

cel/ *CEA*
December 23, 2002

Sumati Lefkowitz
SUMATI LEFKOWITZ
PRIMARY EXAMINER